

## **REMARKS**

No claims have been amended. No claims have been canceled. Claims 1-28 remain pending in this application.

### **Telephone Interview with Examiner Bataille**

The Applicant thanks the Examiner for discussing language of claim 1 and the teachings of the Gupta and Hawkins references. In particular, the teachings of Gupta were discussed and confirmed that Gupta teaches many aspects of claim 1, except the use of compression in the cache and specifically compressing the static elements of the web page. In addition, the Hawkins reference was discussed with particular focus on column 9, line 15 through column 10, line 36 of the reference. The Examiner pointed out that column 9, lines 42-52 describes a compressed markup language that represents a compressed description of information to be displayed on the screen. Further, the Applicant proposed some clarifying language to be added to claim 1, but no agreement was reached on the clarifying language.

### **Information Disclosure Statement**

Several references were identified in the present patent application specification, but not submitted as part of an Information Disclosure Statement. A new Information Disclosure Statement that cites these references as well as others cited in related applications is being submitted along with this Amendment.

### **Drawings**

The drawings were missing reference numerals mentioned in the specification and includes extraneous reference numerals in FIGs. 2 and 4. For example, reference numerals 118 and 150 were missing from FIG. 1, 200 from FIG. 2, 200 and 240 from FIG. 2, 300 from FIG. 3, and 400 from FIG. 4. Replacement drawing sheets are being submitted that add these reference numerals as identified in the specification, but previously omitted in the drawings. In addition, the replacement drawing sheets correct other informalities. Applicant believes that no new matter has been added by these amendments.

### Amendments to Specification

The disclosure contained several informalities. The application has been amended to correct minor typographical errors, formatting inconsistency, inconsistent use of terminology throughout the specification, and other informalities. A substitute specification is enclosed. As required by 37 C.F.R. 1.125(c), clean and marked-up versions of the specification are enclosed. Applicant submits that the enclosed substitute specification contains no new matter.

### 35 U.S.C. §103

Claims 1-3, 5-24, and 26-28 were rejected under 35 USC §103(a) as being unpatentable over Gupta et al. '252 in view of Hawkins et al. '318. Applicant respectfully suggests that the Examiner has failed to establish a *prima facie* case of obviousness for two reasons. First, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, or to combine the reference teachings. Secondly, the cited references, when combined, fail to teach or suggest all the claim limitations. The necessary teaching or suggestion to make the claim combination and the reasonable expectation of success is not both found in the cited references. Applicant respectfully suggests that Gupta '252 and Hawkins et al. '318 when considered individually or together in combination, fail to suggest or teach all of the elements of the presently pending claims. For example, neither Gupta '252 nor Hawkins et al. '318 teach, as presently claimed in independent claims 1, 7, 12 and 17, the storage of compressed information including static elements of a web page in a cache of a web server and subsequently serving the compressed static information from the cache to a user in response to a request for the web page.

Turning now to the January 4, 2005 Office Action and more specifically to page 3, the Examiner stated that "Gupta fails to specifically teach compressed version of static information related to the web page." The Applicant agrees with this assessment of Gupta et al. '252.

The Examiner went on to state on page 4 that:

it is known that wireless communication devices and Web or proxy servers use compressed web pages wherein, in response to a request for a Web page, a first portion of the requested Web content is static so as to be independent of the response received from network sites a second portion of the content is dynamic so as to be determined by the response from the network site.

The Applicant respectfully objects to the characterization of what is known and unknown in the art without providing foundation for such a statement based on evidence.

The Court of Appeals for the Federal Circuit recently addressed the evidentiary standard required to uphold an obviousness rejection. Specifically, the Federal Circuit stated that the factual question of motivation is material to patentability, and can not be resolved on subjective belief and unknown authority. In re Lee, 61 USPQ2d 1430, (CAFC 2002) The finding of obviousness must be based upon substantial evidence, and not subjective musings or conjecture by the Examiner. Deficiencies in the evidentiary record cannot be cured by general conclusions such as “general knowledge” or “common sense.” Accordingly, the Examiner cannot rely on unsupported, conclusory statements to close holes in the evidentiary record. Unless the Examiner can establish an evidentiary record based on concrete prior art references that establish that it would have been obvious to a person with ordinary skill in the art to incorporate the features of Applicant’s dependent claims, the claims should be allowed.

In the present patent application, the Examiner has not provided substantial evidence regarding the use of compression of static elements in a cache to serve web page content based on a request. Therefore, the Applicant respectfully requests that such evidence be provided or this unsubstantiated objection about compression be withdrawn.

In an alternative argument, the Examiner cited Hawkins et al. ‘318 with particular reference to column 9, lines 18-52. The Examiner stated that Hawkins et al. ‘318 teaches system generated responses where static information of a Web site page are in a compressed version of the HTTP protocol. The Applicant respectfully disagrees with this characterization of Hawkins et al. ‘318. In particular, Hawkins et al. ‘318 is directed to a new computer language that is a subset or superset of HTML, see column

9, lines 42-48. In addition, the compressed markup language (CML) represents a compressed description of information to be displayed to generate the display on the screen, see column 9, lines 48-52. Hawkins et al. '318 fails to teach splitting individual web pages into static and dynamic information as presently claimed. In addition, Hawkins et al. '318 fails to teach, as claimed in present claim 1, 7, 12 and 17, compressing the static information in a cache and serving that compressed static information from the cache to a user in response to a request for a web page.

Furthermore, Hawkins et al. '318 actually teaches away from the present invention, as evidenced by column 10, lines 19-36, where caching of entire web pages in the CML format are described. In contrast, the present invention as claimed compresses only static elements of a web page and stores those compressed portions in a cache. As taught and claimed in the present patent application, the dynamic portions of the web pages are not compressed and are not necessarily stored (but could be) in a cache. In short, the present invention distinguishes between elements of a web page, compresses only those that are static elements, and furthermore stores those compressed elements in a cache. Hawkins et al. '318 at best teaches that it might be advantageous to rewrite entire web pages in a new computer language, CML, and store those CML pages in a cache.

In view of the foregoing, Hawkins et al. '318 alone, or in combination with Gupta et al. '252, fails to teach the present invention as claimed in independent claims 1, 7, 12 and 17.

Claims 2-6 and 26 depend from claim 1 and therefore are allowable over Gupta et al. '252 and Hawkins et al. '318 for the same reasons that claim 1 is allowable. Claims 8-11 and 27 depend from claim 7 and therefore are allowable over Gupta et al. '252 and Hawkins et al. '318 for the same reasons that claim 7 is allowable. Claims 13-15 and 28 depend from claim 12 and therefore are allowable over Gupta et al. '252 and Hawkins et al. '318 for the same reasons that claim 12 is allowable. Claims 18-25 depend from claim 17 and therefore are allowable over Gupta et al. '252 and Hawkins et al. '318 for the same reasons that claim 17 is allowable.

Therefore, the rejection of claims 1-3, 5-24, and 26-28 under 35 USC §103(a) as being unpatentable over Gupta et al. '252 in view of Hawkins et al. '318 should be withdrawn, because Gupta et al. '252 and Hawkins et al. '318 fail to teach all elements of the present invention as claimed.

Claims 1-22 were rejected under 35 USC §103(a) as being unpatentable over Gupta et al. '252 in view of Hawkins et al. '318 and further in view of Jungck '785. The Applicant believes that the Examiner meant to state that claims 4 and 25 were rejected over these references. If this is not true, the Applicant respectfully requests that the Examiner remove the finality of this office action, reissue an office action, and correctly reference the claims being rejected. Jungck '785, like Gupta et al. '252 and Hawkins et al. '318 fails to teach all elements of the present invention as claimed. In particular, Jungck '785 does not teach, as presently claimed in independent claims 1 and 17, the storage of compressed information including static elements of a web page in a cache of a web server and subsequently serving the compressed static information from the cache to a user in response to a request for the web page. Claims 4 and 25 depend from independent claims 1 and 17, respectively, and therefore are allowable over Gupta et al. '252, Hawkins et al. '318, and Jungck '785 for the same reasons that claims 1 and 17 are allowable. Thus, the rejection of claims 4 and 25 under 35 USC §103(a) as being unpatentable over Gupta et al. '252 in view of Hawkins et al. '318 and further in view of Jungck '785, should be withdrawn.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that the claims 1-28 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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